

~~PROCEEDINGS~~  
RECORD OFF PROCEEDINGS

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

March 8, 2005

Form 6101

Held \_\_\_\_\_

**OPENING OF MEETING**

Mr Fiedeldey called the meeting to order at 7:03PM with Mr. Corman, Mr. Fiedeldey, Mrs Rielage, and Mrs Harlow in attendance.

**PLEDGE – INVOCATION**

Mrs Rielage announced that Pastor Ken Severa of Hope Lutheran Church would provide the invocation and the Pledge of Allegiance would be lead by the Bear Den of Pack 826.

**APPROVAL OF PREVIOUS MEETING MINUTES**

Mr Fiedeldey asked for a motion to approve the minutes of the February 22, 2005, regular meeting of the Board of Trustees. Mrs Rielage made such motion and Mr Corman offered the second. Mr Fiedeldey asked for any corrections to the minutes.

There were none. Without further discussion, the roll was called:

Mr Corman. "Aye"

Mr Fiedeldey. "Aye"

Mrs Rielage. "Aye"

Mr Fiedeldey asked for a motion to approve the minutes of the February 23, 2005, special meeting of the Board of Trustees. Mrs Rielage made such motion and Mr Corman offered the second. Mr Fiedeldey asked for any corrections to the minutes. There were none. Without discussion, the roll was called:

Mr Corman. "Aye"

Mr Fiedeldey. "Aye"

Mrs Rielage. "Aye"

**SHERIFF REPORT**

Sgt. Scudder with the Hamilton County Sheriff's Department gave the reports to Chief Sarver.

**TRUSTEES' REPORT****MRS. RIELAGE**

Mrs Rielage said a citizen contacted her about safety issues at the intersection of Erin and Brockton. She said Chief Sarver and Mr McClain are working on this.

Mrs Rielage announced that on Saturday, May 21, 2005, at 10:30 AM, we will dedicate the flag pole at I-275 at Colerain Ave.

Mrs Rielage said that Police Officer Joe Redmond performed CPR on a resident. She discussed the need for AEDs (Automatic External Defibrillators) in cruisers and staff cars. She said we should discuss where the AEDs are needed.

**MR. CORMAN**

Mr Corman said March 13-19, 2005, is severe weather safety awareness week. On March 16, 2005, warning sirens will be tested. If residents have questions, he suggested that they call the Emergency Management Agency at (513) 851-7080 or visit them on-line at [www.ema.ohio.gov](http://www.ema.ohio.gov).

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Mr. Corman said that the old store at the corner of Springdale and Poole roads is gone. This is Phase 1 of the intersection. The next steps are discussions with property owners and the county engineer.

**MR. FIEDELDEY**

Mr. Fiedeldey said he spoke with Mr. Snyder about the new soccer fields and the fields need a name. Mr. Fiedeldey suggested that the Trustees provide ideas at the next meeting.

Mr. Fiedeldey asked Chief Sarver about the Evil Twin liquor permit request. Chief Sarver said there is no need for a public hearing.

Mr. Fiedeldey said they are short on funds for the canoe ramps at the new park and suggested we use \$50,000 from the \$200,000 grant from Ohio Department of Natural Resources.

Mrs. Rielage made such motion and Mr. Corman offered the second. Without discussion, the roll was called:

- Mr. Corman. "Aye"
- Mr. Fiedeldey "Aye"
- Mrs. Rielage. "Aye"

**CITIZEN ADDRESS**

No one requested to speak to the Board.

**UNFINISHED BUSINESS**

**LEGAL**

**Parking Resolution**

Mr. Reuter said he is in the process of writing a parking resolution. He is working with Officer Mark Meyer and the rest of the police department on enforcement issues. He is also looking at other communities' resolutions and coming up with best. He will present the resolution at next meeting.

Mr. Fiedeldey asked about the consent degree with the Rumpke case. Mr. Reuter said there is a draft out for review. He expects Mr. Trauth to approve it soon.

**ADMINISTRATION**

**Communications Center Board of Advisors Appointment**

Mr. Foglesong requested the Board re-appoint him as Colerain Township's representative on the Hamilton County Communications Center Board of Advisors.

Mrs. Rielage made such motion and Mr. Fiedeldey offered the second. Without discussion, the roll was called:

- Mr. Corman. "Aye"
- Mr. Fiedeldey. "Aye"
- Mrs. Rielage. "Aye"

**Permanent Appropriations**

Mr. Foglesong reminded the Board that the permanent appropriations have been presented to the Board for approval at the next regularly scheduled meeting of the Board, March 22, 2005.

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**NEW BUSINESS****FIRE DEPARTMENT****Pay Rate Change**

Chief Smith recommended a rate increase for Robert W. Browning to firefighter/EMT/FAO at a rate of \$12.29/hour, effective February 24, 2005.

Mr. Fiedeldey made such motion and Mrs. Rielage offered the second. Without discussion, the roll was called:

Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"  
Mrs. Rielage "Aye"

**LEGAL****Vacation of Locharbor**

Mr. Reuter explained Locharbor is a Township street off of Struble Road, on which Rumpke owns all of the houses. The street is to be vacated and be part of the plan for expansion of the landfill, which has been previously approved.

He said we have received a letter from deputy engineer requesting that we consent to the vacation. This street is no longer needed for public use. Once the street is vacated, the commissioners will convey it to Township, and we will convey to Rumpke.

Mrs. Rielage made such motion and Mr. Corman offered the second.

Mr. Fiedeldey asked if it is a Township owned street. Mr. Reuter said it is owned by the commissioners.

Without further discussion, the roll was called:

Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"  
Mrs. Rielage "Aye"

Mr. Reuter will write a letter to the County Engineer.

**ZONING****Zoning Updates**

Mr. Spriggs said the Hamilton County Regional Planning Commission heard Zone Text Amendment Case 2005-2 initiated by the Board to modify Articles 5 & 13 of the Zoning Code, and Colerain Case ZA2005-01, JD Byrider on Colerain Avenue at Yellowstone, on Thursday, March 3, 2005. Both cases were unanimously passed by a 7-0 vote recommendation to the Zoning Commission.

The Zoning Commission will hear final development plan cases for Rumpke landfill EF District, Case ZA1999-06, and Springdale Nursing Home facility, Case 2004-10.

Plans are available in the Zoning Office. These cases will be heard on March 15, 2005 by the Zoning Commission.

**CLERK'S REPORT**

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mrs. Rielage made such motion and Mr. Fiedeldey offered the second. No discussion and the roll was called:

Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"

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Mrs Rielage "Aye"

The Clerk has received the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
106-05	Dusty Rhodes	SIF, rev assist, fin, veh, local high, lodging, etc.	205,940 05
107-05	Dusty Rhodes	1 <sup>st</sup> half real estate adv	3,805,000 0 0
108-05	Fire & EMS Department	Don, reimb, reports, CTTC rent, comm.	5,225 50
109-05	Fire & EMS Department	EMS billing	8,541.46
110-05	Zoning Department	Certif, Amend, other	16,990.24
111-05	Police Department	Immobilization fees- Jan	310.00
112-05	Police Department	Court reimb	42.00
113-05	Police Department	Juvenile traffic fines	83.50
114-05	Fire & EMS Department	Inspection fees, plan review fees	515 00
115-05	Parks & Services	Revisited book, theater rent	155 00
116-05	Public Works	Snow removal	2,476.72
117-05	Police Department	SRO reimbursement	4,693.08
118-05	Rumpke	Solid waste disposal fee	37,978.14
119-05	Sr. & Community Center	Crafts, fees, don, lunch, refresh	314 80
120-05	Police Department	Reports	42.35
121-05	Parks & Services	Shelter reservations	140.00
122-05	Administration	Colerain revisited	5.00
123-05	Mark Walsh	Postage	5.00
124-05	Parks & Services	Shelter reservations	2,625.00
125-05	Police Department	Court reimbursement	6.00
126-05	Dusty Rhodes	Adv. 1 <sup>st</sup> half real estate	460,000.00
127-05	Administration	Twp shirt reimburse.	401.00
128-05	Police Department	Court reimbursement	6.00

Mrs. Harlow announced that we had applied for a grant from FEMA to aid with the costs of the winter storm in December. She said that our grant was approved in the amount of \$46,806, which is 75% of the over-time labor and materials used during the snow event. She commended Mr. McClain and Debi Weller and Mr. Snyder and Tawanna Wilson for their excellent record keeping, which allowed us to recoup as much as possible.

Mrs. Harlow read a resolution, as required by the Ohio Police & Fire Pension Fund. Mrs. Rielage stated her objection to the resolution as the term "pick-up" sounds like the Township is paying for the employee's contributions. Mrs. Harlow said that is not the case. Mr. Reuter will look in to the resolution further.

Mrs. Harlow said she has received a notice of transfer from the Ohio Division of Liquor Control. The transfer is from C&J Restaurant DBA Kabuto Japanese Restraunt, 9879 Colerain Ave., Colerain Twp, OH 45252 to Hayashi, Inc, DBA Kabuto Japanese Steakhouse & Sushi Bar at the same address. The Board decided not to request a public hearing.

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**EXECUTIVE SESSION**

Mr Reuter requested the Board go into executive session for the purpose of discussing the purchase of public property.

At 7:34 PM, Mr. Corman made such motion and Mr Fiedeldey offered the second. No discussion and the roll was called:

Mr. Corman "Aye"  
Mr Fiedeldey "Aye"  
Mrs. Rielage "Aye"

The Board reconvened at 8:30 PM

**PUBLIC HEARING – COMPREHENSIVE PLAN**

Wendy Moeller with McBride Dale Clarion, the consultant, addressed the Board. She thanked the public for their extensive input. She also thanked the Comprehensive Plan Executive Committee

She presented highlights of the plan. The comprehensive plan is an "umbrella" policy document that guides future decisions. It is different from land use plan. There are our areas of the plan: trends analysis, the vision, land use framework, and character areas. The plan is largely based on vision statement adopted in 2003.

There are 11 character areas, based on the land use advisory board uses for their review areas. This allows for recommendations based on the character areas of an area rather than the Township as a whole.

She invited the Trustees questions

Mrs. Rielage said that there is a lot of history in the plan and that impressed her. Mrs. Moeller said this came from the citizen input.

Mr. Corman said he noticed a heavy acquisition of park lands. While he supports this, he does not want to be in the business of land purchasing. Mr Fiedeldey suggested that we would address this through grants

Mr. Corman said the western area is agricultural. He asked how much is used for farming and animal husbandry. He said that many times, the family is no longer farming. How do we preserve this industry? Ms. Moeller said this is a trend in many areas

Mr. Fiedeldey said the western part is 30% CUAB. Ms. Moeller said this is about 4,300 acres, which is about half of the agricultural and undeveloped land

Mr. Fiedeldey opened the public address.

Caren Whitcomb of 11739 Elkgrove Ct commended everyone involved for getting public input as it is important citizens are involved. She said the plan should be adopted as it is because it represents what the citizens wanted.

Tim Mara, attorney for Welch Sand & Gravel, presented and read a letter to the Trustees. He urged the Board not to approve the Comprehensive Plan as submitted to them. He said that Welch has an on-going dispute with the township regarding the status of its properties in the Township. They have submitted documentation showing that all of Welch's properties have been used for the mining of gravel and related materials for decades without interruption,

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which establishes its right to continue using all of its properties for such purposes.

Mr. Mara said if the Board approves the Comprehensive Plan including the land use plan for the East Miami River Road corridor which designates most of Welch's properties as green space as well as the comments on page 51 of the plan which describe Welch's current operations as in appropriate and unsuitable, without waiting for the recommendation from the LUAB regarding from their proposal, the Board will be irretrievably poisoning the well of cooperation and compromise.

He said the also sent a letter to Mr. Reuter objecting to Mr. Fiedeldey's involvement in any decisions regarding the East Miami River Road Corridor.

Mr. Fiedeldey said he singled out one area for concern, but another area reads exactly the same

Larry Riddle, 10579 Hughes Road, is landfill manager for Rumpke Landfill. He also commends the committee Here tonight to discuss character area 2, Bank Lick Creek area, most specifically Hughes and Beull roads. The plan calls for MUEC. He said their presentation tonight will be brief, but wishes to stress the importance of their concerns

Joe Trauth of Keating, Meuthing, & Klekamp, counsel for Rumpke Sanitary Landfill, Inc., presented Board with letter and discussed its contents

Mr. Trauth said that his client and all of their experts totally disagree with the MUEC land use designation. He said that Rumpke owns about 85% of the land east of Hughes Road, west of I-275. Rumpke has proposed in accordance with drawings presented to the Board, three distinct land uses for that area: MUEC south along I-275, a green area along both the north and east boundaries to buffer the residential uses to the North and East of that designated green area and heavy industrial for the remainder of the area

Mr. Trauth said they believe that their proposal makes much more sense for comprehensive planning purposes. The request that the Board reject the proposal as it relates to the "landfill area" allowing for a better understanding of their proposal and to engage in future dialogue.

He said that they have met with Mr. Dale of McBride, Dale, Clarion.

Mr. Trauth introduced Mark Vella who has 28 years of experience in commercial and industrial construction. He is an expert in MUEC. He now serves as the director of development for Al Neyer, Inc. Prior to this, he served as the Director of Design/Build Services for Al Neyer.

Mark Vella said he was asked by Rumpke to evaluate the land for development. He said the land is not well located as primary development for office and light industrial occurs in the major north/south corridors of I-71 and I-75. Other non-prime sites would include major connectors such as US Rt 27 and Cross County Highway. This site on Hughes Road would be inferior to other sites in the region.

Mr. Vella said the area east of Hughes Road is not a feasible development for office, light industrial, and mixed use development

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Mr. Riddle presented further comments in disagreement with the text for Area 2. Mr. Riddle read from selected text on pages 28-30 of the Colerain Township Comprehensive Plan and responded to each statement.

At the September 1, 2004, meeting at the Skyline Community Center, each break-out group had a member of POWER organization with a clear bias. This bias and opinion is not representative not was it a prominent issue of the people in attendance.

Mr. Riddle said the Hunterston development on Kemper Road is a new development that is will buffered by agricultural space. These homes start at about \$265,000. The notion that the landfill has hampered development and property values is contradicted by the statement from the plan.

Mr. Riddle said that the Rumpke proposal provides for suitable areas of green space and MUEC areas that are realistic and have a high level of confidence that it will be built. Without the capital that would be expended by Rumpke, the Township's proposed plan has no chance of ever being realized.

Mr. Riddle said that Rumpke believes it is poor planning and inappropriate to arbitrarily propose a comprehensive plan that actively pursues barriers to expansion of the heavy industrial area or the landfill.

He said that Rumpke has provided alternatives to the proposed plan that provides for extensive buffering, MUEC area that has a high degree of probability for construction and Rumpke is willing to provide the resources to develop the area. The proposed plan to call the existing heavy industrial use MUEC is not realistic. He requested the Board not approve the plan and send it back to the committee.

Mr. Corman said he appreciates the work put into these presentations, but sees them as land use applications. The comprehensive plan is broad-based in the community's interests and to set aside any portion would be a compromise of the plan.

Mrs. Rielage agreed with Mr. Corman, but has a couple of issues that she needs to resolve. She suggested we revisit the plan in two weeks.

Mr. Riddle suggested sending area 2 back to the committee. The plan is broad except for isolating the landfill and expansion. He said the plan is flawed and would rather resolve it now as they are offering viable alternatives.

Ms. Moeller wanted to clarify their position with the green space with Welsh gravel. She said they are not saying "no development," but are encouraging no more expansion of the industrial uses. This is separate from the land use plan, which will be maintained. As far as the Skyline Community Center meeting, they did hear the Rumpke issue come up quite a bit. But, it came up at many meetings. They did not take account of which groups were represented.

She said, as far as the strategic plan, page 31 says the land use is within the current confines. This gives the township more opportunity to do their homework.

Mr. Trauth said the comprehensive plan is broad-based. He said that we do not want to shoot ourselves in the foot by putting something in that is un-doable. Their proposed plan is a better mix of resources.

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Mr. Fiedeldey said the Rumpke officials are saying traffic on Hughes Road could not handle an industrial development, but garbage trucks have been going up and down it for years. This is not a land use plan. There are no sewers, etc, at this time, but there will be for light industrial development on Struble, so this could expand. If there is no infrastructure for light industrial, how can heavy industrial be appropriate? In 1999 or 2000, at the hearings, which he attended as a resident, it was said that the land fill would not expand past Hughes, Struble, Bank and Colerain.

Mr. Corman said that verbiage on page 28 that says no more expansion of the landfill is public comments.

Mrs. Rielage said we should adopt it in total

Mr. Corman asked Ms. Moeller if there is a reason that it would help matters to include the intention of comprehensive plan in regard to these industries. Ms. Moeller said that we can add that clarification. As far as landfill, may need to clarify. On page 31, we state that we understand landfill will there

Mr. Trauth said the U.S.'s Constitution, 14<sup>th</sup> Amendment guarantees equal protection under the law. We have two industries targeted by this and not allowed to grow

Mr. Reuter said a lot of comments were delivered to the Board. They would do well to consider all of it between now and the next meeting. They should review it all and not pass it this evening

Mr. Fiedeldey said the plan is just fine and does not hamper existing businesses

Alice Kennedy of 3025 West Kemper, said that she takes offense that Rumpke says that because she is a member of POWER that her opinion has no meaning. The plan was developed by citizens of the Township. She believes the entire plan should be adopted.

Karen Stephenson of 3074 Autumnridge Drive, said she is not an expert in the MUEC area, but is a 46-year resident of the Township and a member of POWER. She wonders how if a business can operate in an area for 50 years, why it is so unreasonable to assume that another business could not do the same

She said that page 69 of the plan provides for additional comments on certain areas. Things change and there is a need to have additional dialogue. She said that the Township has set the standard for extra effort to include residents.

Mr. Fiedeldey said Ms. Stephenson brought up a valid point about the planning efforts we have undertaken. That is built into the plan. He does not see what we could do in two weeks.

Mrs. Rielage said there are a couple of things that she needs to check out.

Mr. Corman asked if Ms. Moeller could put clarification in the plan. She will put together a draft to cover this.

Mr. Fiedeldey said the plan should be adopted as a whole. Mrs. Rielage agreed.

Mr. Fiedeldey said this is a good plan and has been very transparent. He is appalled that there was this controversy this evening



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Mr Riddle said they have been involved, but there has been no due process.

Mr Trauth said there is no expert testimony to say MUEC will work on this site.

Craig Williams of 6109 Thompson Road asked how the comprehensive plan will address current lawsuits. How can they challenge everything in court? They literally sue the Township.

Mr. Reuter said it is in litigation. Tonight, we are talking about the comprehensive plan. The plan would not deal with lawsuits as it is a vision plan.

Mr. Williams asked where we draw the line. Mr. Corman said there is a Constitutional right to challenge the system.

Mrs. Rielage motioned for to close the public hearing. Mr. Corman offered a second.

Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"  
Mrs. Rielage "Aye"

Mrs. Rielage motioned to continue the hearing to the March 22, 2005, meeting at the conclusion of regular business. Mr. Corman offered a second.

Mr. Spriggs said he and the consultant will be at a convention. Mrs. Dale will be present. Members of the community can submit written comments prior to this meeting.

Without further discussion, the roll was called:

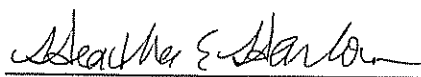
Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"  
Mrs. Rielage "Aye"

Mr. Reuter asked for written comments from the public.

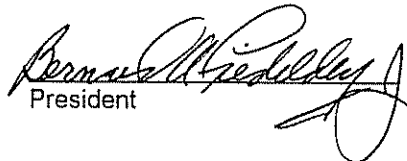
**ADJOURNMENT**

With no further business to come before the Board, at 10:04 PM, Mrs. Rielage motioned for adjournment. Mr. Corman offered a second.

Mr. Corman "Aye"  
Mr. Fiedeldey "Aye"  
Mrs. Rielage "Aye"



Clerk



President